

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-20272

Honorable Nancy G. Edmunds

KERSTEN NICOLE EVANS,

Defendant.

_____ /

ORDER DENYING DEFENDANT'S LETTER REQUEST [52]

Defendant Kersten Nicole Evans is currently in the custody of the Bureau of Prisons ("BOP") at the Federal Correctional Institute in Danbury, serving a 48-month term of imprisonment imposed in this case. The matter is before the Court on Defendant's letter request. (ECF No. 52.) It is unclear what form of relief Defendant seeks, but it appears she takes issue with the calculation of her sentence as it relates to her participation in the Residential Drug Addiction Program.

It is the BOP, however, not the sentencing court, that has the authority to compute sentencing credits.¹ See *United States v. Wilson*, 503 U.S. 329, 335 (1992); *McClain v. Bureau of Prisons*, 9 F.3d 503, 505 (6th Cir. 1993). Similarly, it is the responsibility of the BOP to determine which programs (if any) a prisoner may participate in. See *Tapia v. United States*, 564 U.S. 319, 330-31 (2011).

¹ Defendant may challenge the BOP's calculations, after the exhaustion of her administrative remedies, by filing a habeas corpus petition pursuant to 28 U.S.C. § 2241 in the district where she is confined. See *McClain*, 9 F.3d at 505.

For the foregoing reasons, Defendant's letter request is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: April 3, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 3, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager